



# City of Rialto

## Legislation Details (With Text)

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**Title:** Adopt Urgency Ordinance No. 1634, entitled, "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ESTABLISHING A TEMPORARY 45-DAY MORATORIUM ON THE ESTABLISHMENT, EXPANSION, OR MODIFICATION OF WAREHOUSES, DISTRIBUTION CENTERS, AND RELATED USES THAT ARE LOCATED ADJACENT TO OR ACROSS A STREET OR INTERSECTION FROM EXISTING RESIDENTIAL AND EDUCATIONAL USES WITHIN THE CITY OF RIALTO, EXCLUDING THE RENAISSANCE SPECIFIC PLAN," reading the ordinance by title only and waving further reading thereof.

### Sponsors:

### Indexes:

### Code sections:

**Attachments:** 1. Urgency Ordinance Moratorium on Warehouses.pdf

| Date      | Ver. | Action By    | Action | Result |
|-----------|------|--------------|--------|--------|
| 2/11/2020 | 1    | City Council |        |        |

For City Council Meeting [February 11, 2019]

TO: Honorable Mayor and City Council

APPROVAL: Rod Foster, City Manager

FROM: Matt Schneider, Community Development Director

Adopt Urgency **Ordinance No. 1634**, entitled, "AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ESTABLISHING A TEMPORARY 45-DAY MORATORIUM ON THE ESTABLISHMENT, EXPANSION, OR MODIFICATION OF WAREHOUSES, DISTRIBUTION CENTERS, AND RELATED USES THAT ARE LOCATED ADJACENT TO OR ACROSS A STREET OR INTERSECTION FROM EXISTING RESIDENTIAL AND EDUCATIONAL USES WITHIN THE CITY OF RIALTO, EXCLUDING THE RENAISSANCE SPECIFIC PLAN," reading the ordinance by title only and waving further reading thereof.

### **BACKGROUND:**

Several Rialto Municipal Code Sections authorize the establishment of warehouses, including within the Industrial Park Zone (I-P), Commercial Manufacturing Zone (C-M), Light Manufacturing Zone (M-1), Planned Industrial Development Zone (PID), General Manufacturing Zone (M-2), various overlay zones, and Specific Plan areas. However, due to the recent and rapid expansion of industrial developments within the City and neighboring communities, and particularly the development and expansion of warehouses, residents and businesses have experienced various adverse impacts related to these industrial developments, including incompatibility with adjacent uses, increased truck traffic, damage to local streets, loss of potential economic revenue, and deteriorating air quality and environmental health. In particular, the placement of these warehouses, distribution centers, and

logistics facilities, including related uses (“Warehouses”) adjacent to residential and educational uses is a current and immediate threat to public health, safety, and welfare.

As a result, the City requires time to study the adverse impacts of Warehouses and develop comprehensive policy guidance to address the adverse impacts. Staff recommends that the City Council consider adopting a Moratorium on the establishment, expansion, or modification of Warehouses that are located adjacent to or across a street or intersection from existing residential and educational uses.

Pursuant to Government Code Section 65858, the City Council may adopt, as an urgency measure, an interim ordinance prohibiting any uses, facilities, or improvements that may conflict with a contemplated zoning proposal that the legislative body, planning commission, or the planning department is considering or studying or intends to study within a reasonable time.

## **ANALYSIS/DISCUSSION:**

### **Land Use Issues**

Logistics and industrial developments are an important part of the City’s, State, and national economy and provide both positive and negative impacts on the community. Currently, such developments, and in particular Warehouses, have been in high demand due to the growing economy and decrease in vacant, developable land. For purposes of this Urgency Ordinance, the term “Warehouses” includes any use for the conduct, business, or management of warehousing, storing, safekeeping, freight forwarding, handling, keeping inventory, and/or distribution activities for any product or component, including but not limited to goods, wares, consumer products, materials, or merchandise, partially or wholly within an enclosed space, building, or other structure.

The City’s Zoning Code, codified in Title 18 of the Rialto Municipal Code, is dated and does not give the City adequate tools or assurances to address the issues created by Warehouses. Although Ordinance No. 1633, adopted by the City Council on January 14, 2020, requires the approval of a Conditional Use Permit to establish a Warehouse in all zones and Specific Plans where Warehouses were previously permitted by right, there is a need for additional locational criteria and other policy guidance to protect sensitive uses and address the various issues associated with warehouses in general. For example, there are not sufficient policies and standards that would prevent the siting a Warehouse of significant size and height immediately adjacent to a residence or school.

### **Traffic and Safety Issues**

Warehouse uses, by their nature, generate significant truck traffic that often occurs on a 24-hour and daily basis, based upon the needs of the business. Truck traffic can cause traffic congestion, detrimental air quality, noise, vibration, and disruption to the peace and quiet that is necessary for the enjoyment of residential neighborhoods and efficacy of educational uses.

These trucks travel on truck routes as well as other streets to reach their destinations and pose unique and challenging traffic issues because of their sheer size, such as:

- Increased safety risk for smaller vehicles, pedestrians, and bicyclists;
- Damage to City streets and property/facilities from collisions (reported and unreported); i.e., street lights, traffic signal equipment, signs, trees, curbs, medians, etc.;
- Traffic congestion and reduced levels of service on streets and at intersections; and
- Increased impacts from improperly over-loaded trucks.

There is also a need to study and develop policy guidance to ensure there is logical relationship between the placement of Warehouses and available truck routes to avoid the deleterious effects of routing trucks past sensitive uses.

### **Environmental and Health Issues**

Diesel engines emit a complex mixture of air pollutants, including both gaseous and solid material. The solid material in diesel exhaust is known as diesel particulate matter (DPM). DPM is considered a subset of particulate matter less than 2.5 microns in diameter (PM2.5). Most PM2.5 derives from combustion, such as use of gasoline and diesel fuels by motor vehicles, burning of natural gas to generate electricity, and wood burning. DPM is most concentrated adjacent to freeways, truck routes, and roadways traveled by trucks. PM2.5 is the size of ambient particulate matter air pollution most associated with adverse health effects of the air pollutants that have ambient air quality standards. These health effects include cardiovascular and respiratory hospitalizations, and premature death.

The trucks also cause noise and vibrations when travelling on the roadways next to residential areas and educational uses. The increase in industrial developments, and particular Warehouses, in recent years and the resulting increase in truck traffic has most likely made the conditions worse for the residents and students who reside or go to school adjacent to major roadways and especially adjacent to truck routes.

### **Moratorium**

As discussed above, without additional policy guidance, the establishment, expansion, and modification of Warehouses pose an immediate threat to the public health, safety, and welfare. To avoid any further aforementioned adverse impacts, staff recommends that the City Council consider adopting a Moratorium on the establishment, expansion, or modification of Warehouses that are located adjacent to or across a street or intersection from existing residential and educational uses throughout the City, excluding the Renaissance Specific Plan. The Moratorium would allow for a measured approach to study and develop appropriate policies and development standards to address warehouses. Below are some examples of tasks that City staff will undertake during the Moratorium:

- Coordinate this work effort with work already underway for the Truck Terminal Moratorium (Ordinance No. 1628) that is in effect until October 7, 2020;
- Meet with landowners, businesses, residents, schools, and other community members to understand their issues and concerns;
- Determine the environmental and health impacts on the community from Warehouses and truck-related uses to determine the mitigation measures necessary to better protect the community from these impacts such as locational siting criteria, distance separation criteria, sound walls, alternative pavement materials to reduce noise, and programs related to improving community's health;
- Examine incompatibility issues between sensitive uses and Warehouse uses to better address buffering between uses, permitted uses, hours of operations, and transitioning some industrial areas to alternative land uses;
- Initiate an effort to identify legal non-conforming, no longer legal-non-conforming (amortization period has expired), and illegally operating warehouses;
- Examine alternative pavement materials to reduce the long-term maintenance costs of roads heavily traveled by trucks;
- Examine whether the designated truck routes can be modified to both provide the most efficient truck routes and ensure the best protection of the residential areas and educational uses;

and,

- Perform a fiscal impact analysis to obtain a more accurate accounting of the revenues generated such uses versus the demand of City expenditures to provide services for these uses.
- Evaluate existing and projected utilization and capacity of designated truck routes and non-designated truck routes;
- Evaluate the characteristics of different types of Warehouses to understand impacts and develop land use recommendations for various types of facilities;
- Evaluate the location of existing points of origin and destination for large trucks to help develop land use recommendations and preferences for locating large Warehouses, including recommendations for “last mile” recommendations for moving trucks on non-designated truck routes;
- Evaluate cost impacts related to roadway maintenance and truck use;
- Develop recommendations for Warehouses, including, but not limited to, the following:
  - Amendments to Exhibit 4.5 (Truck Routes) to identify preferred truck routes;
  - Amendments to General Plan goals, policies, and implementation measures related to warehouses, circulation, and truck traffic;
  - Changes to Rialto Municipal Code Title 18 (Zoning) and/or Specific Plans to identify preferred locations for land uses involved in trucking;
  - Changes to Rialto Municipal Code Sections 10.40.010 and 10.40.020 related to truck routes and commercial vehicle prohibitions;
  - Signage related to truck routes and prohibitions;
  - Recommendations related to implementation of effective traffic controls related to trucks;
  - Recommendations related to user-based fee collection to address maintenance and repair of truck route roadways.

### **Urgency Ordinance**

To achieve this goal, the City Attorney has prepared the Urgency Ordinance provided with this report for City Council consideration (“Ordinance”). The Urgency Ordinance would prohibit the establishment, expansion, or modification of Warehouses and related uses adjacent to or across a street or intersection from existing residential and educational uses anywhere within the City, excluding within the Renaissance Specific Plan and prohibit the City from accepting any new applications or issuing any permits or entitlements to those that submit applications following the posting of this agenda on February 6, 2020.

Per Government Code section 65858, the Urgency Ordinance requires an affirmative vote of 4/5<sup>th</sup> of the City Council to be adopted. If passed, the Urgency Ordinance will continue in effect for 45 days (until March 27, 2020) and, thereafter, will be of no further force and effect, unless, the City Council extends the Moratorium. Any ordinance extending the Moratorium requires a noticed public hearing and can be for up to an additional 10 months and 15 days. Thereafter, the Moratorium may be extended again for 1 additional year.

During the period of this Moratorium, and any extension thereof, the City Manager or his designees must: (1) consider whether the establishment, expansion, or modification of Warehouses may result in a threat to public health, safety and welfare, and (2) issue a written report describing the measures which the City has taken to address the conditions which led to the adoption of the Urgency Ordinance. The report must be issued at least 10 days before the expiration of the Moratorium, or any extension thereof and made available to the public. The City Council will, in turn, analyze the report and determine whether conditions continue to exist to justify further extensions to the Moratorium.

### **ENVIRONMENTAL IMPACT:**

The requested action does not constitute a “Project” as defined by the California Environmental Quality Act (CEQA). Pursuant to Section 15378(a), a “Project” means the whole of an action, which has a potential for resulting in either a direct physical change in the environment, or a reasonably foreseeable indirect physical change in the environment. According to Section 15378(b), a Project does not include: “(5) Organizational or administrative activities of governments that will not result in direct or indirect physical changes in the environment.” Additionally, pursuant to Section 15061(b)(3), the proposed Moratorium is exempt from CEQA review as there is no possibility that the Moratorium may have a significant effect on the environment, insofar as it prohibits the establishment, expansion, and modification of warehouses adjacent to or across a street or intersection from existing residential and educational uses.

### **GENERAL PLAN CONSISTENCY:**

Approval of this action complies with the following City of Rialto Guiding Principles, General Plan Goals and Policies:

*Our City government will lead by example, and will operate in an open, transparent, and responsive manner that meets the needs of the citizens and is a good place to do business.*

### **LEGAL REVIEW:**

The City Attorney has reviewed and approved the staff report and Ordinance.

### **FINANCIAL IMPACT:**

#### **Operating Budget Impact**

The adoption of the Moratorium will not result in any financial impact. However, there will be costs associated with conducting future studies to support the development of policies and development standards related to warehouses. Staff will request funding for these studies separately.

#### **Capital Improvement Budget Impact**

The Moratorium will not incur costs associated with capital improvements.

#### **Business License**

The adoption of a Moratorium does not require a business license.

### **RECOMMENDATION:**

Staff recommends that the City Council consider and adopt Urgency Ordinance No. 1634 entitled “AN URGENCY ORDINANCE OF THE CITY COUNCIL OF THE CITY OF RIALTO, CALIFORNIA, ESTABLISHING A TEMPORARY 45-DAY MORATORIUM ON THE ESTABLISHMENT, EXPANSION, OR MODIFICATION OF WAREHOUSES, DISTRIBUTION CENTERS, AND RELATED USES THAT

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